

## HOUSE BILL No. 1043

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-17-1-1; IC 9-18-1-2; IC 9-21-8-46; IC 14-8-2.

**Synopsis:** Use of mini-trucks. Authorizes the use of mini-trucks on Indiana highways after December 31, 2009. Requires a mini-truck that is operated on a highway to be titled and registered. Prohibits the operation of a mini-truck on an interstate highway. Requires a dealer of mini-trucks to register as a dealer after December 31, 2009. Makes conforming amendments.

**Effective:** July 1, 2009.

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**Wolkins, Grubb, Friend, Oxley**

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January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1043

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.131-2008,  
2       SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 42. (a) "Dealer" means, except as otherwise  
4       provided in this section, a person who sells to the general public,  
5       including a person who sells directly by the Internet or other computer  
6       network, at least twelve (12) vehicles each year for delivery in Indiana.  
7       The term includes a person who sells off-road vehicles **and, after**  
8       **December 31, 2009, mini-trucks**. A dealer must have an established  
9       place of business that meets the minimum standards prescribed by the  
10      bureau under rules adopted under IC 4-22-2.  
11      (b) The term does not include the following:  
12          (1) A receiver, trustee, or other person appointed by or acting  
13          under the judgment or order of a court.  
14          (2) A public officer while performing official duties.  
15          (3) A person who is a dealer solely because of activities as a  
16          transfer dealer.  
17      (c) "Dealer", for purposes of IC 9-31, means a person that sells to



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the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft; per year.

SECTION 2. IC 9-13-2-103.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 103.1. "Mini-truck" means a truck that:**

**(1) is a foreign manufactured import truck that is powered by an internal combustion engine with a piston or rotor displacement of six hundred sixty (660) cubic centimeters or less;**

**(2) is sixty (60) inches or less in width;**

**(3) has an unladen dry weight of one thousand six hundred (1,600) pounds or less;**

**(4) can achieve a top speed of not more than sixty (60) miles per hour;**

**(5) is capable of being operated on a highway and is capable of cross-country travel without the benefit of a road;**

**(6) is manufactured with a locking enclosed cab and a heated interior; and**

**(7) is operated on a highway.**

SECTION 3. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a)** This article does not apply to farm wagons or to a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

**(b) IC 9-17-2, IC 9-17-3, IC 9-17-4, IC 9-17-5, and IC 9-17-8 apply to a mini-truck after December 31, 2009.**

SECTION 4. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. After December 31, 2009, this article applies to a mini-truck with the exception of the following:**

**(1) IC 9-18-7.**

**(2) IC 9-18-9 through IC 9-18-11.**

**(3) IC 9-18-13.**

**(4) IC 9-18-27.**

SECTION 5. IC 9-21-8-46, AS AMENDED BY P.L.210-2005,

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SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 46. A person may not drive or operate:

- (1) an implement of agriculture designed to be operated primarily in a farm field or on farm premises; ~~or~~
- (2) a piece of special machinery; **or**
- (3) after December 31, 2009, a mini-truck;**

upon any part of an interstate highway.

SECTION 6. IC 14-8-2-123 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 123. "Highway, street, or right-of-way", for purposes of IC 14-16 **and section 185(c)(9) of this chapter**, means the entire width between the boundary lines of a way:

- (1) that is publicly maintained; and
- (2) when any part of the way is open to the use of the public for purposes of vehicular travel.

SECTION 7. IC 14-8-2-166.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 166.5. "Mini-truck", for purposes of section 185 of this chapter, has the meaning set forth in IC 9-13-2-103.1.**

SECTION 8. IC 14-8-2-185, AS AMENDED BY P.L.225-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
- (b) The term includes the following:
  - (1) A multi-wheel drive or low pressure tire vehicle.
  - (2) An amphibious machine.
  - (3) A ground effect air cushion vehicle.
  - (4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

- (1) A farm vehicle being used for farming.
- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
- (4) A snowmobile (as defined by section 261 of this chapter).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor

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vehicles.

(7) Any watercraft that is registered under Indiana statutes.

(8) A golf cart vehicle.

**(9) A mini-truck when the mini-truck is being operated on a highway, street, or right-of-way.**

SECTION 9. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.

(b) As used in this SECTION, "mini-truck" has the meaning set forth in IC 9-13-2-103.1, as added by this act.

(c) Notwithstanding IC 9-13-2-42, as amended by this act, a person who engages in the business of selling at least twelve (12) mini-trucks to the general public each year for delivery in Indiana whose business name begins with the letters A through L, inclusive, is not required to apply for a dealer's license under IC 9-23-2 with the bureau until the month in 2010 required by IC 9-23-2-8.

(d) This SECTION expires December 31, 2010.

SECTION 10. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.

(b) As used in this SECTION, "mini-truck" has the meaning set forth in IC 9-13-2-103.1, as added by this act.

(c) Before January 1, 2010, in accordance with IC 6-6-5-3(b), the bureau shall determine the true tax value for each make and model of mini-truck, subject to review and adjustment by the department of local government finance.

(d) This SECTION expires December 31, 2010.

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